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One Hundred Sixteenth Congress  
U.S. House of Representatives  
Committee on Foreign Affairs  
2170 Rayburn House Office Building  
Washington, DC 20515  
[www.foreignaffairs.house.gov](http://www.foreignaffairs.house.gov)

August 14, 2020

R. Clarke Cooper  
Assistant Secretary for Political-Military Affairs  
U.S. Department of State  
2201 C Street, NW  
Washington, DC. 20520

Dear Mr. Assistant Secretary:

On June 12, 2019, you testified before the House Committee on Foreign Affairs regarding Secretary Pompeo's May 24, 2019 declaration of a so-called "emergency" to force through billions of dollars' worth of arms sales to Saudi Arabia and other Gulf countries over congressional objections that these weapons were likely to be used to kill innocent civilians. In that hearing, Mr. Levin questioned you on how this "emergency" could have been declared to Congress on May 24, when Mr. Pompeo had made no mention of any emergency when he briefed House members on May 21. Your exchange was as follows:

**Mr. Levin:** Thank you, Mr. Chairman. Mr. Secretary, thanks for coming. I--I know people talked about having a further classified briefing. I'd welcome that. However, as a couple of my colleagues have discussed Secretary Pompeo briefed members of Congress in a classified setting on May 20th and 21st. Yet, there was no mention made of the need for the emergency that was announced three days later. I know because I was there.

Had there been discussions about an emergency declaration before he briefed us? Had you been involved in any of the discussions about the need for emergency declaration before he briefed us?

**Mr. COOPER:** I could tell you that there's ongoing--

**Mr. LEVIN:** --Was there before--sir, we don't have a lot of time--

**Mr. COOPER:** --So--okay—

**Mr. LEVIN:** --Yes or no--

**Mr. COOPER:** --Yeah. Congressman Levin, certainly, looking at what we call tools, the emergency declaration was certainly in the toolkit. No different than us (INAUDIBLE)--

**Mr. LEVIN:** --So, why didn't the secretary say a dang thing about it when he came and briefed us in a classified setting—

**Mr. COOPER:** --I'm not going to--

**Mr. LEVIN:** --Three days before you announced--

**Mr. COOPER:** --I'm not going to take a guess or gander. But, I could--I could provide here right now is that you had an emerging, changing posture on the threat (INAUDIBLE)--

**Mr. LEVIN:** So, within three days, an emergency was created that required that declaration.

**Mr. COOPER:** Congressman, yes. Yes.

**Mr. LEVIN:** So, your testimony here is that in those two or three intervening days, an emergency arose that required a declaration.

**Mr. COOPER.** I would—yes. And I would parallel this to also imposition of sanctions. I mean we have a number of tools in our diplomatic—

**Mr. LEVIN.** Sir, with all due respect, I just do not think that is credible.

With the release to Congress of the unredacted, unclassified version of the Inspector General's report on this matter on August 11, we now are concerned that your testimony that an emergency arose between May 21-24, 2019 was false. The Department demanded that OIG maintain redactions in the unclassified report it released publicly which hide details of the emergency declaration timeline. The timeline in the unclassified, unredacted report makes clear that Secretary Pompeo wasn't reacting to an emergency in May 2019, but rather was carrying out a plan that was months in the making. It shows that the idea to claim there was an "emergency" was first proposed on April 3. It shows that the draft "emergency" declaration was circulated at the State Department on April 23, more than a month before it was sent to Congress. It shows that on May 4, just days after you assumed office, Secretary Pompeo hand-picked the date three weeks later on which an "emergency" would suddenly appear and be notified to Congress. And it shows that, when Secretary Pompeo briefed Congress on May 21, 2019 and made no reference

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to any “emergency,” he had actually been planning this emergency declaration for nearly two months.

We also note that just this week you, speaking to press as a “senior State Department official,” presented cherry-picked elements of the unclassified report in an unprecedented briefing by State on OIG’s report the night before OIG had even released it—a briefing we are concerned was also intended to obscure the truth.<sup>1</sup>

Mr. Assistant Secretary, we are grateful for your long service to our nation. And so it is deeply disturbing that, based on facts in the OIG report, it appears that what you said in your June 12, 2019 testimony was untrue. If this factually inaccurate statement was made intentionally, it was a lie to Congress, and lying to Congress is a federal crime.<sup>2</sup> As you know, the Foreign Affairs Committee has been seeking your testimony since May 27 of this year, in order to determine your knowledge of this matter. We ask that you contact the staff of the Foreign Affairs Committee at [HFACMajorityOversight@mail.house.gov](mailto:HFACMajorityOversight@mail.house.gov) **no later than 5 PM on Monday, August 17**, to arrange for a transcribed interview with HFAC staff. If you do not do so, we will be forced to consider other means of addressing what appears to have been your false testimony.

Sincerely,



ELIOT L. ENGEL  
Chairman



ANDY LEVIN  
Member of Congress

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<sup>1</sup> See *Briefing With Senior State Department Official On the Office of the Inspector General’s Report on Certification for Arms Sales to Saudi Arabia, the United Arab Emirates, and Jordan*, Special Briefing, Office of the Spokesperson, via teleconference, August 10, 2020 (online at: <https://www.state.gov/briefing-with-senior-state-department-official-on-the-office-of-the-inspector-generals-report-on-certification-for-arms-sales-to-saudi-arabia-and-the-united-arab-emirates/>).

<sup>2</sup> See 18 U.S.C § 1001.